

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated October 6, 2009 (hereinafter Office Action), have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant appreciates the indication of allowability for claims 7 and 15. Consistent with the indication of allowability for the subject matter of claims 7 and 15, new claims 22 and 23 are believed to be in condition for allowance since the added claims are directed to corresponding subject matter. As new claims 22 and 23 largely correspond to the limitations of claims 7 and 15, they do not introduce new matter.

Applicant respectfully traverses each of the rejections (§§ 102(e) and 103(a)) based upon the teachings of U.S. Publication No. 2003/0119481 by Haverinen *et al.* (hereinafter “Haverinen”) because Haverinen alone, or modified as asserted, has not been shown to teach or suggest each of the claimed limitations. For example, Haverinen has not been shown to teach or suggest at least comparing a current network identifier identifying a target network of a current connection of a terminal and associated with the currently applied at least one connection setting to stored network identifiers associated with other available connection settings, as claimed in each of the independent claims. Rather, Haverinen teaches comparing a list of received network identifiers (PLMN IDs) against a list of stored network identifiers. The cited portions at paragraphs [0006] and [0042] describe receiving a list of available PLMN IDs and selecting a PLMN ID from those that also appear on a list of stored, allowed PLMN IDs in order to roam to an allowed PLMN ID. While Haverinen teaches a comparison of network identifiers, Haverinen has not been shown to teach or suggest using a network identifier currently in use (a current network identifier associated with a currently applied connection setting). Therefore, Haverinen has also not been shown to teach or suggest selecting a connection setting associated with the same network identifier as is associated with the currently applied connection setting. Thus, Haverinen has not been shown to teach or suggest roaming within the same network identifier as is currently in use by seeking another connection setting associated with the same network

identifier, as claimed. Without a presentation of correspondence to each of the claimed limitations, the prior art-based rejections are improper.

To anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that “Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” (*Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 2008 WL 4614511 (Fed. Cir. 2008) quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Haverinen has not been shown to teach every element of independent claims 1, 9, 17, and 19 in the requisite detail and therefore fails to anticipate claims 1, 2, 5, 6, 8-10, 13, 14, and 16-20.

Dependent claims 2, 5, 6, 8, 10, 13, 14, 16, 18, and 20 depend from independent claims 1, 9, 17, and 19, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Haverinen. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent claims 2, 5, 6, 8, 10, 13, 14, 16, 18, and 20 is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the § 103(a) rejection of dependent claims 3, 4, 11, and 12 based upon Haverinen as modified with the teachings of U.S. Patent No. 6,269,395 to Blatherwick *et al.* (hereinafter “Blatherwick”), Applicant respectfully traverses. As discussed above, Haverinen has not been shown to correspond to each of the limitations of

independent claims 1 and 9. The further reliance on Blatherwick does not overcome the above-discussed deficiencies in the rejection based on Haverinen as Blatherwick also has not been shown to teach or suggest use of a current network identifier as claimed. Moreover, the claims are directed to dropping a connection setting associated with a network identifier that is different from the network identifier associated with a currently applied connection setting; whereas, the cited portions of Blatherwick teach dropping a currently active access point. Thus, the asserted combination of the teachings of Haverinen with Blatherwick has not been shown to teach or suggest each of the limitations of dependent claims 3, 4, 11, and 12, and the rejection should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Also, claims 9, 19, and 20 have been amended. Claims 19 and 20 are amended to provide consistent terminology in the claim language. Support for the changes to claim 9 may be found in the original specification, for example, at page 5 lines 27-34; therefore, these changes do not introduce new matter. These changes are not made for any reasons related to the asserted references. These claims, with or without the changes, are believed to be patentable over the teachings of the asserted references for the reasons set forth above.

Further, new dependent claim 21 has been added. Support for this claim may be found in the original specification, for example, at page 5, lines 24-27; therefore, the claim does not introduce new matter. This claim is also believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.080PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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